

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

In the matter of:

Charles Pappas,

Debtor

Chapter 13
Case No. 18-20179

TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN

NOW COMES the Standing Chapter 13 Trustee, Andrew M. Dudley, by and through his undersigned staff attorney, and objects to confirmation of the plan (docket # 4), as follows:

1. The Debtor is current on his payments to the Trustee.
2. To assist his investigation of the Debtor's financial affairs, the Trustee requests the following from the Debtor within the next 14 days (on or before May 23, 2018):
 - a. Copies of the statements for all of the Debtor's bank and other financial accounts showing the balances of the accounts as of the date the case was filed (April 3, 2018);
 - b. That the Debtor update his mailing address on the docket; and
 - c. Copies of the Debtor's two most-recent payroll advices from all jobs.

The Trustee's requests are relevant to whether the plan has been proposed in good faith, satisfies the liquidation test, is feasible, and provides for the Debtor to contribute his projected disposable income as required by 11 U.S.C. §§ 1325(a)(3), 1325(a)(4), 1325(a)(6) and 1325(b). Therefore, the Trustee objects to confirmation on the basis of those Code sections.

3. Section 4.3 of the plan estimates the Debtor's attorney fees and expenses at \$8,000. Given the overall simple nature of the case, \$8,000 appears more than necessary. It should not be approved unless Debtor satisfactorily explains why that amount is a reasonable estimate. The Debtor could increase the term of his plan beyond 36 months if necessary.
4. Section 3.2 of the plan provides for the Trustee to pay a \$1,355 secured claim of the IRS. Section 4.4 anticipates no priority claims. The Internal Revenue Service has filed a \$39,955.16 claim as follows: \$1,355 secured, \$4,884.51 priority and \$33,715.65 general unsecured. Section 4.1

provides for the Trustee to pay allowed priority claims in full. So, unless the Debtor objects to the IRS's claim, he should add sufficient funds to cover any allowed priority claim of the IRS.

5. Before the plan is confirmed, the Debtor should certify either that he is current on all postpetition domestic support payments as required by 11 U.S.C. § 1325(a)(8) or that he has no domestic support obligations. This includes any obligations that might have started since the case was filed. The certification should be filed with the Court.
6. Before the plan is confirmed, the Debtor should certify that he has filed all applicable Federal, State, and local tax returns as required by 11 U.S.C. § 1308. The filing of the returns is a prerequisite for confirmation under 11 U.S.C. § 1325(a)(9). The certification should be filed with the Court.
7. REMINDER TO DEBTOR(S)/DEBTOR(S) COUNSEL: A letter addressing all issues as they are listed in the Trustee's Objection must accompany any submission of documents or revised proposed order confirming the plan. In addition, all documents (tax returns, paystubs, bank statements, etc.) submitted to the Trustee must be appropriately redacted by Debtor(s) and/or counsel.

WHEREFORE, the Trustee respectfully requests that this Court deny confirmation of the plan in its current form, together with such other relief as this Court finds just and reasonable.

Respectfully Submitted:

Date: May 9, 2018

/s/ William H. Sandstead

WILLIAM H. SANDSTEAD
ANDREW M. DUDLEY, Trustee
Standing Chapter 13 Trustee
Post Office Box 429
Brunswick, Maine 04011-0429
(207) 725-1300

CERTIFICATE OF SERVICE
FOR ELECTRONIC CASE FILING

I, **William Sandstead**, hereby certify that I caused a true and correct copy of the following document(s) to be served today on the parties listed below as follows:

Document(s) Served: Trustee's objection, filed herewith

Service electronically via the Court's ECF system to:

Jeffrey White, Esq., Debtor's Counsel
Stephen Morrell, Esq., Assistant U.S. Trustee
All other parties listed on N.E.F. as being served electronically.

Service by U.S. first class mail, postage prepaid, to:

Charles Pappas
66 Medawisla Rd.
Roxbury, ME 04275

Signed:

Date: May 9, 2018

/s/ William H. Sandstead

WILLIAM H. SANDSTEAD